

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JOSE ANTONIO LIRA CAMARA, *individually and  
on behalf of others similarly situated,*

**20-cv-5390**

*Plaintiffs,*

-against-

**JOSE ANTONIO LIRA  
CAMARA’S RESPONSE TO  
DEFENDANTS’  
COUNTERCLAIMS**

NITIN & PARDEEP CORPORATION (D/B/A KING  
OF INDIA), KIRAN KUMARI (A.K.A  
MOHAMMED), and SANTOSH KUMARI,

*Defendants.*

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Plaintiff and counterclaim-defendant Jose Antonio Lira Camara (“Plaintiff”), by and through his attorneys Michael Faillace & Associates, P.C., answer the Counterclaims of Defendants Nitin & Pardeep Corporation (D/B/A King Of India), Kiran Kumari (A.K.A Mohammed), and Santosh Kumari, as follows:

**AS AND FOR DEFENDANTS FIRST**

**AFFIRMATIVE DEFENSE**

1. Plaintiff denies knowledge sufficient to admit or deny the allegations set forth in Paragraph 37 of the Counterclaims.
2. Plaintiff denies knowledge of any other person’s state of mind and denies all other allegations set forth in Paragraph 38 of the Counterclaims.
3. Plaintiff denies knowledge of any other person’s state of mind, denies all other allegations set forth in Paragraph 39 of the Counterclaims, and further denies that the Defendants are entitled to relief as described therein or any relief at all.

## **AFFIRMATIVE DEFENSES TO COUNTERCLAIMS**

### **FIRST AFFIRMATIVE DEFENSE**

Defendants' claims, in whole or in part, fail to state a claim upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

This Court lacks subject matter jurisdiction over the Counterclaims.

### **THIRD AFFIRMATIVE DEFENSE**

Defendants' claims are barred due to the doctrine of unclean hands, laches, estoppel, acquiescence and/or excuse.

### **FOURTH AFFIRMATIVE DEFENSE**

Defendants' claims are brought in bad faith, as retaliation for the Complaint.

### **FIFTH AFFIRMATIVE DEFENSE**

Defendants' claims are barred because Plaintiff acted at all relevant times in good faith.

### **SIXTH AFFIRMATIVE DEFENSE**

Defendants have not suffered any damages by the conducts alleged in the Counterclaims.

### **SEVENTH AFFIRMATIVE DEFENSE**

Defendants' claims are barred due to their own wrongdoing and unlawful conduct.

### **RESERVATION OF RIGHTS**

Plaintiff gives notice that he intends to rely on any additional affirmative defenses that become available or apparent during discovery and thus reserves the right to amend this Answer to assert such additional defenses.

WHEREFORE, Plaintiff requests judgment dismissing the Counterclaims in their entirety, with prejudice, together with costs, disbursements, attorneys' fees, and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
March 25, 2021

/s/  
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